

Appl. No. : 10/726,256
Filed : December 2, 2003

COMMENTS

Claims 33-41, 43-46 and 74-86 are now remain pending in the present application, Claims 33, 36, 38, 43 and 45 having been amended, and new Claims 74-86 having been added. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action notified May 12, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Amendments to the Claims Add No New Matter

Applicants have amended Claims 33, 36, 38, 43 and 45. The amendments are supported the drawings, for example, Figs. 3, 4, 6, 7 and 8 and the related descriptions in the specification. In particular, the recitation of the first open-sided frame member having first and second open sides is supported by Figs 3, 4 and 8, while the recitation of the second open-sided frame member having third and fourth sides is supported by Fig. 6, 7 and 8. The recitations of the first and second free edges configured to be positioned in the third and fourth open sides are supported by Fig. 8. The recitations of the third and fourth free edges configured to be positioned in the first and second open sides are also supported by Fig. 8.

Applicants have added new Claims 74-86. Claim 74 is supported by the original specification and drawings, for example, original version of Claim 33 and Figs. 2, 3, 4, 6, 7 and 8 and the related descriptions in the specification. In particular, the recitations of the first and second retention sleeves are supported in Figs. 3, 4, 6, 7 and 8. Claims 75-86 are supported by the original specification, for example, original versions of Claims 34-41 and 43-46.

Hagedon and Hojnacki do not Make Claims 33, 34 and 43 Obvious

Claims 33, 34 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,405,000 to Hagedon et al. ("Hagedon") and in view of US Patent No. 5,183,159 to Hojnacki et al. ("Hojnacki"). Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claim 33. Applicants expressly reserve the right to further prosecute the original versions of Claims 33-35, 37, 43, 44, and 46 through continuation practice.

Hagedon teaches a suspension package having a clamshell container 50 and a plastic

bag 51 containing an article 52, as shown in Figs. 7 and 8 below. The clamshell container 50 has two shell halves 53 and 54 which are connected by a hinge 55. Edge portions 60 of the shell halves 53 and 54 abut and engage with each other when the shell halves 53 and 54 are folded toward each other to form a closed shell. The flexible bag 51 is interposed between the shell halves 53 and 54 of the clamshell 50 and edge portions of the bag 51 are captured secured between the edge portions 60.

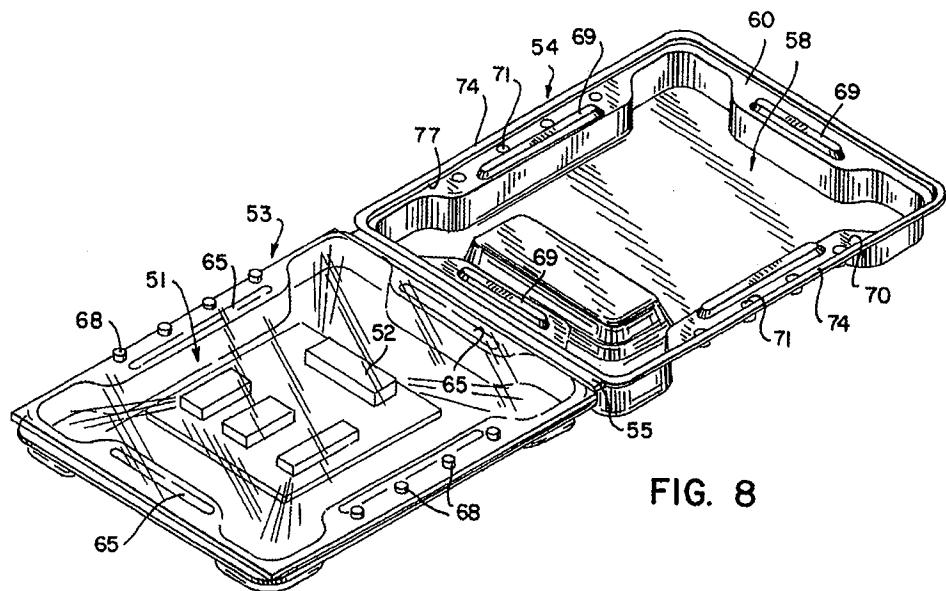
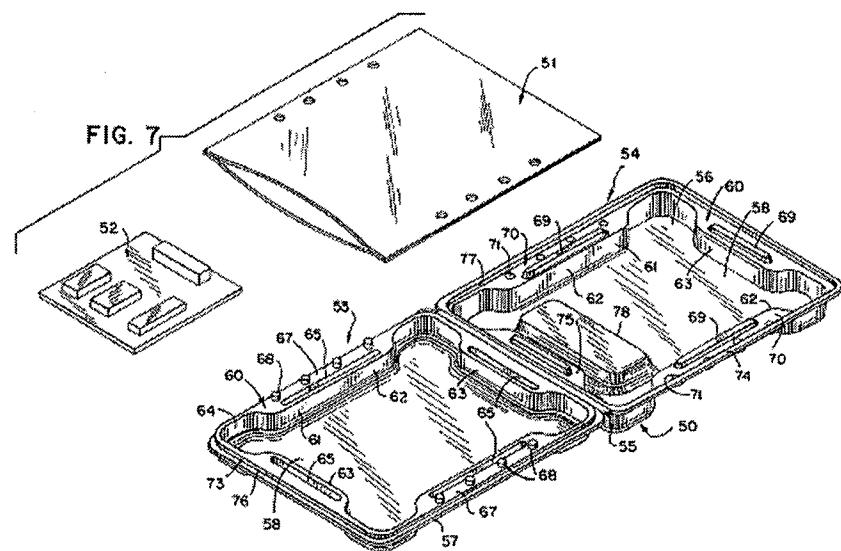


FIG. 8

Hagedon, however, does not disclose or suggest that the first and second free edges are configured to be positioned in the third and fourth open sides in nesting engagement, respectively, and that the third and fourth free edges are configured to be positioned in the first and second open sides in nesting engagement, respectively. Rather Hagedon discloses that each of shell halves 53 and 54 has a four-sided integral peripheral frame 57 enclosing outer wall 56 as shown in Fig. 7 above. It was the Examiner's position, however, that it would have been obvious to use the first and second subassemblies of Hojnacki in the nesting arrangement of Hagedon.

Hojnacki teaches a package device 10 having a clamshell configuration. The device 10 has frame members 12 and insert trays 16, as shown in Fig. 1 below. Each insert trays 16 has sidewalls 30 and resilient film 18 stretched across the top of the tray 16. The insert trays 16 are inserted into the frame members 12. The frame members 12 are tightly closed by using locking means. When closed, an object 24 is accommodated between the films 18 and suspended in shell chamber as shown in Fig. 5 below.

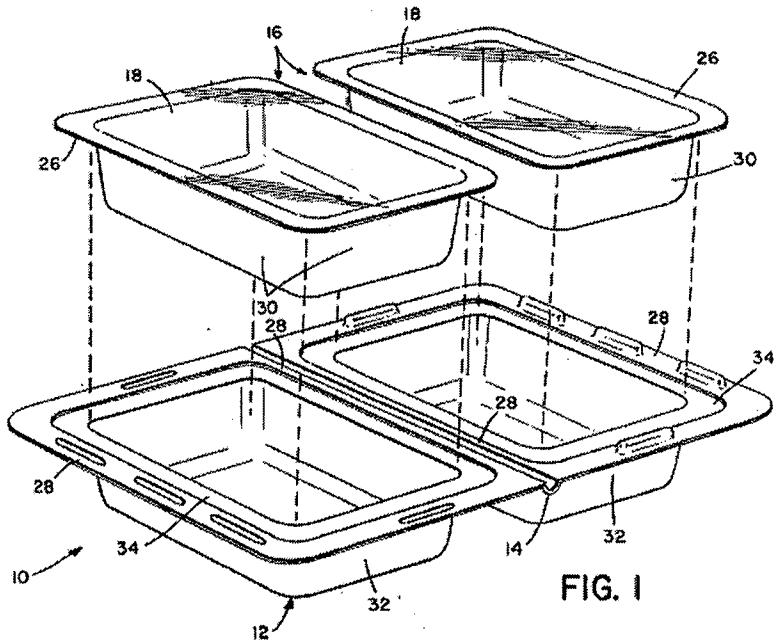


FIG. 1

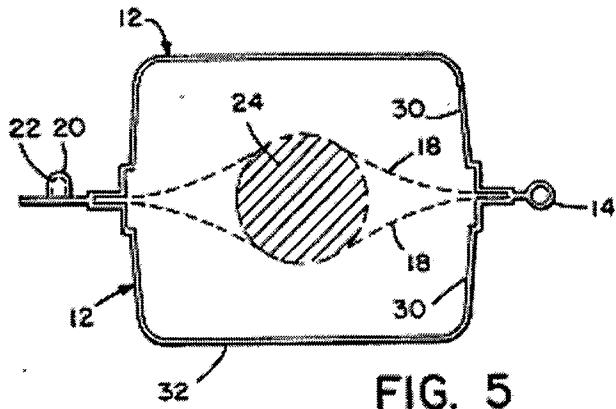


FIG. 5

Hojnacki, however, does not disclose or suggest that the first and second free edges are configured to be positioned in the third and fourth open sides in nesting engagement, respectively, and that the third and fourth free edges are configured to be positioned in the first and second open sides in nesting engagement, respectively. Rather Hojnacki discloses that each of trays 12 is four-sided with the sidewalls 30 as shown in Fig. 1 above.

In contrast, Claim 33 now recites, among other recitations, "wherein the first and second free edges are configured to be positioned in the third and fourth open sides in nesting engagement, respectively, wherein the third and fourth free edges are configured to be positioned in the first and second open sides in nesting engagement, respectively."

Applicants also respectfully direct the Examiner to Figs. 3, 6 and 8. In the non-limiting embodiment of Fig. 3, 6 and 8 in the present Application, each of the frames 12 and 12' comprises open sides. (Please see Figs. 3 and 6 of the present application below.) Also free edges 17, 23 is positioned in the open sides between peripherally extending structures 58', 60', while free edges 17', 23' is positioned in the open sides between the peripherally extending structures 58, 60. (Please see Fig. 8 of the present application below.) As such, Hagedon fails to teach such features among other features of Claim 33.

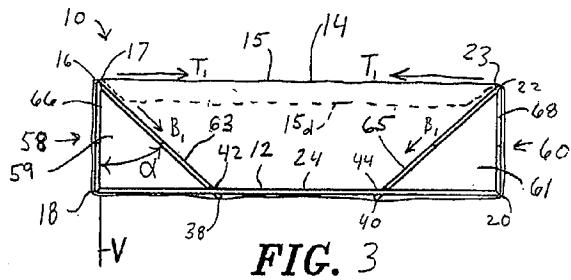


FIG. 3

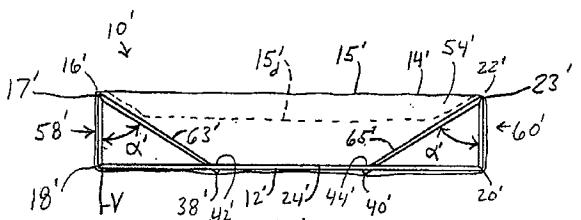


FIG. 6

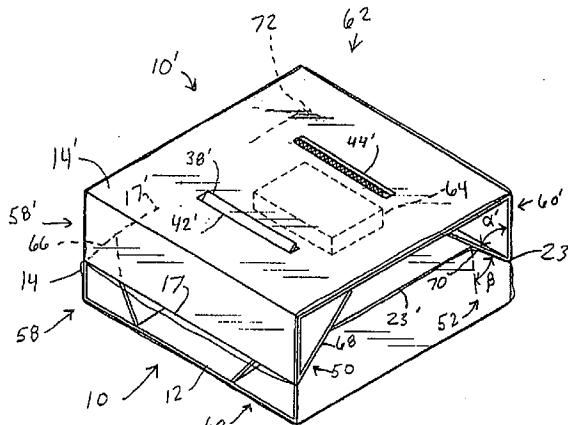


FIG. 8

In contrast with Hojnacki, Claim 33 now recites, among other recitations, "wherein the first and second free edges are configured to be positioned in the third and fourth open sides in nesting engagement, respectively, wherein the third and fourth free edges are configured to be positioned in the first and second open sides in nesting engagement, respectively."

Hojnacki thus fails to rectify the failures of Hagedon to teach the recitations of Claim 33. Thus, Applicants respectfully submit that Hagedon and Hojnacki, either

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separately or when taken together, fail to teach or suggest all the elements of Claim 33. Thus, Applicants submit that Claim 33 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that each of Claims 34 and 43 also non-obviously defines over Hagedon and Hojnacki, not only because it depends from Claim 33, but also on their own merit.

The Cited References do not Make Claims 35-41 and 44-46 Obvious.

Claims 35-41 and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hagedon in view of Hojnacki and further in view of US Patent No. 5,046,659 to Warburton. Applicants respectfully traverse the Examiner's rejection.

Claims 35, 37, 44 and 46

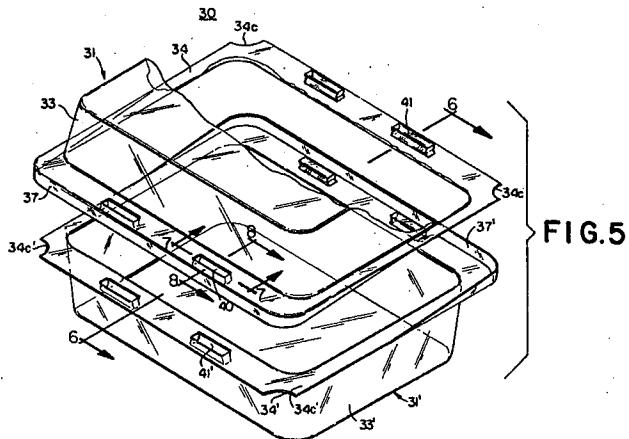
Claims 35, 37, 44 and 46 depend directly or indirectly from patentable independent Claim 33. Thus, Applicants submit that the present rejection of these claims is now moot because, as noted above, Applicants believe Claim 33 clearly and non-obviously defines over the outstanding rejections. Applicants also submit that Claims 35, 37, 44 and 46 disclose additional patentable subject matter.

Claims 36, 38-41 and 45

As stated above, Applicants respectfully traverse the Examiner's rejection to Claims 36, 38-41 and 45. However, in order to expedite prosecution of the present application, Applicants have amended Claims 36, 38 and 45. Applicants expressly reserve the right to further prosecute the original versions of Claims 36, 38 and 45 and its dependent claims through continuation practice.

Claims 36, 38 and 45 are patentable independent claims. Claims 39-41 depend directly or indirectly from patentable independent Claim 38, and thus are also patentable, not only because they depend from one of Claim 38, but also on their own merit.

With regard to the rejections of Claims 36, 38, and 45, Applicants would like to point out that Warburton discloses a plastic container 30 having latching structure for latching a lid 31 and a base 31', as shown in Fig. 5 below. The latching structure has a male rib 40 of the lid 31 and a female recess 41' of the base 31'. The rib 40 and recess 41' are engaged with each other. Further the base 31' has a four-sided central receptacle portion 33'.



Warburton, however, does not disclose or suggest that the first and second free edges are configured to be positioned in the third and fourth open sides in nesting engagement, respectively, and that the third and fourth free edges are configured to be positioned in the first and second open sides in nesting engagement, respectively. Rather Warburton discloses that the base 31' has four sidewalls forming the central receptacle portion 33'. As such, Warburton fails to rectify the failures of Hagedon and Hojnacki to teach the subject nesting arrangement.

In contrast, each of Claims 36, 38 and 45 now recite, among other recitations, "wherein the first and second free edges are configured to be positioned in the third and fourth open sides in nesting engagement, respectively, wherein the third and fourth free edges are configured to be positioned in the first and second open sides in nesting engagement, respectively."

Applicants also respectfully direct the Examiner to Figs. 3, 6 and 8. In the non-limiting embodiment of Fig. 3, 6 and 8 in the present Application, each of the frames 12 and 12' comprises open sides. (Please see Figs. 3 and 6 of the present application above.) Also free edges 17, 23 is positioned in the open sides between peripherally extending structures 58', 60', while free edges 17', 23' is positioned in the open sides between the peripherally extending structures 58, 60. (Please see Fig. 8 of the present application above.)

Thus, Applicants respectfully submit that Hagedon, Hojnacki and Warburton, either separately or when taken together, fail to teach or suggest all the elements of Claim 36, 38 and 45. Accordingly, Applicants believe that Claims 36, 38 and 45, are currently in condition for allowance. Additionally, Applicants submit that Claims 39-41 also define

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over Hagedon, Hojnacki and Warburton, not only because they depend from Claim 38, but also on their own merit.

The Cited References do not Make New Claims 74-86 Obvious

New Claim 74 is patentable independent claim as discussed below. Claims 75-86 depend directly or indirectly from patentable independent Claim 74, and thus are also patentable, not only because they depend from one of Claim 74, but also on their own merit.

Claim 74 recites, among other recitations, “a first retention sleeve surrounding the first frame member and comprising a first retention portion which extends between the first and second free edges, a second retention sleeve surrounding the second frame member and comprising a second retention portion which extends between the third and fourth free edges.” However, Hagedon, Hojnacki and Warburton do not teach the first and second retention sleeves surrounding the first and second frame members, respectively. Thus, Applicants respectfully submit that Hagedon, Hojnacki and Warburton, either separately or when taken together, fail to teach or suggest all the elements of Claim 74.

Accordingly, Applicants submit that Claim 74 and its dependent Claims 75-86 non-obviously defines over Hagedon, Hojnacki and Warburton and are currently in condition for allowance.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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